

**PATENT IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: PRESTWICH G., *et al.*

SERIAL No.: 10/581,571

FOR: **MODIFIED MACROMOLECULES  
AND METHODS OF MAKING AND USING  
THEREOF**

EXAMINER: GOON, SCARLETT Y.

ART UNIT: 1623

CONFIRMATION No.: 6987

**STATEMENT OF FACTS UNDER 37 C.F.R. §1.705(b)(2) IN SUPPORT OF  
REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This statement of facts is being submitted in support of a Request for Recalculation of Patent Term Adjustment (PTA) in the above-referenced patent application, and is timely submitted before payment of the issue fee. Consideration of the remarks presented herein is respectfully requested.

With the Notice of Allowance mailed 4 January 2011, the estimated patent term was 527 days. However, this application was filed as a national phase filing under 35 U.S.C. § 371, and Applicants note that, under 37 C.F.R. § 1.702(b), for a national phase filing, the actual filing date is the date that the national stage commenced under 35 U.S.C. § 371(b) or (f) (*i.e.*, 30-months from the earliest priority date, or when applicant explicitly requests early processing, respectively), rather than under 35 U.S.C. § 371(c) (the date that the executed inventor declaration was filed). Applicants believe the Patent Office has improperly used the 35 U.S.C. § 371(c) date (*i.e.*, 13 Jun 2007) for the present application in its calculation, while the actual filing date of 2 June 2006 is the date from which Patent Term Adjustment should be calculated.

Applicants submit that, due to an incorrect PTA calculation under 37 C.F.R. 1.702(b), the correct Patent Term Adjustment should be an additional 406 days.

**1. Statement of facts**

Applicants' calculations for the correct PTA follow. PTA calculation for the 10/581,571 application begins with its filing under 35 U.S.C. § 371(b) on 2 June 2006. The difference in the number of days from 2 June 2006 (the actual filing date) to 13 July 2007 (the date the Patent Office used as the filing date for PTA calculation) is 406 days, which, when added to the estimated 527 days appearing on the Notice of allowance, is 933 days of PTA. Thus, the total number of days of PTA should be the 933 days.

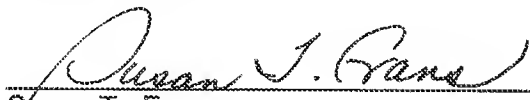
Applicants respectfully request reconsideration and a recalculation of the Patent Term Adjustment indicated on the Notice of Allowance, mailed 4 January 2011 for the above-identified application. Applicants herein apply for an adjustment of the patent term.

**2. Payment of fee under §1.18(e)**

The required fee under 37 C.F.R. §1.18(e) accompanies this statement of facts in support of this application, and Applicants hereby authorizes the Patent Office to charge any other fees that may be due to Deposit Account 50-4616. Because this request is being filed concurrently with the payment of the issue fee, it is timely filed.

Respectfully submitted,  
KING & SPALDING LLP

Date: March 22, 2011

  
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Susan T. Evans  
Reg. No. 38,443

**Correspondence Address:**  
Customer No. 79975